

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

KEVIN HARPER,

Plaintiff,

Case No. CV 05-1005

v.

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

ORDER OF COURT

This 9th day of Nov, 2005, it is ORDERED

that Defendant State Farm Fire and Casualty Company's Motion to Dismiss

Count III of Plaintiff's Complaint is DENIED. *w/out prejudice to
raise the issue under Rule 56 on a fully
developed record.*

GH Lennet